

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the application) Application No. C-1628/NUSF
of the Nebraska Public Ser-)
vice Commission, on its own) MOTION DENIED AND ORDER
motion, seeking to conduct an) CLARIFIED IN PART
investigation into intrastate)
access charge reform.) Entered: March 30, 1999

BY THE COMMISSION:

A Motion For Rehearing was filed on January 25, 1999, whereby Western Wireless Corporation requested reconsideration of certain portions of the Commission's Findings and Conclusions that were outlined in Docket No. C-1628 on January 13, 1999. Upon request, an oral argument was held in the Commission Hearing Room on January 29, 1999.

O P I N I O N F I N D I N G S

Upon consideration of the Motion and being fully advised, the Commission is of the opinion and finds that the Motion For Reconsideration should be denied and the January 13, 1999, Findings and Conclusions Order clarified as set forth below.

Western Wireless argues that requiring carriers to offer a standard white page listing in order to be eligible to draw funds from the Nebraska Universal Service Fund (NUSF) is inconsistent with the Telecommunications Act of 1996 because a standard white page listing is not part of the services supported by the FCC. However, a white page listing is a requirement of the Nebraska Universal Service Fund, not the federal high cost fund. The authorization to create the NUSF comes from Chapter 84, Article 14 of the Nebraska Revised Statutes. Neb. Rev. Stat. Sec. 86-1408 requires the Commission to "administer the fund with the advice of an advisory board" This advisory board recommended a set of services that should be supported and the Commission adopted this recommendation, which included a standard white page listing.

Moreover, local exchange service in Nebraska has historically included a standard white page listing. Further, a requirement for approval of Competitive Local Exchange Carrier ("CLEC") applications is the offering of a standard white page listing. This does not mean that every customer has to have a white page listing, only that each customer has the "option" of having a standard white page listing. To maintain the existing level of service provided to local exchange customers, the Commission believes that requiring carriers seeking to draw from the NUSF to offer all supported services, including a standard white page listing, continues to be in the public interest. The Commission does not believe that this requirement is inconsistent with the Telecommunications Act of 1996.

In the original January 13, 1999, Findings and Conclusions, the Commission stated, "only carriers that have implemented compliant transition plans will be eligible for NUSF support." It was, and still remains, the Commission's position that only Incumbent Local Exchange Carriers ("ILECs")

be required to file transition plans at this time in order to receive NUSF support.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that the Western Wireless' Motion for Reconsideration is denied.

IT IS FINALLY ORDERED that the January 13, 1999, Findings and Conclusions entered in Docket No. C-1628 are clarified as set forth above.

MADE AND ENTERED at Lincoln, Nebraska, this 30th day of March, 1999.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chairman

ATTEST:

Executive Director

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